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Toru Homma

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EXAMINER

LIU, LIN

ART UNIT

PAPER NUMBER

2445

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,834	Applicant(s) HOMMA, TORU	
	Examiner LIN LIU	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communications filed on 03/10/2009

Claims 15-19 are pending and have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Applicant has amended the claims to include limitations: "establishing two *independent ACL channels* between the wireless communication device and the external device, the *two independent ACL channels* including a first ACL channel for transmitting content data from the wireless communication device to the external device and a second ACL channel for transmitting content data from the external device to the wireless communication device", which is not explicitly found in the specification. Applicant has not pointed out where in the specification support can be found for such limitations. Examiner has reviewed page 7 line 23 to page 8 line 7:

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“When the conversation mode is selected, the wireless utility program executes two-way communication for transmitting and receiving an audio data stream such as voice with conversation quality between the computer 10 and the headset 20. In this case, **two independent channels are established between the computer 10 and headset 20.** One channel is used to transmit an audio data stream with conversation quality from the computer 10 to the headset 20, and the other channel is used to transmit an audio data stream with conversation quality from the headset 20 to the computer 10.” (emphasis added).

and page 21 lines 3-14:

“On the other hand, when the conversation mode is selected, **the wireless utility program 302 sets the number of transport channels to be established to be 2 (step S105).** The wireless utility program 302 performs environment setting for each of the two transport channels, thereby establishing the transport channel (channel #1) configured to transmit an audio stream from the computer 10 to the headset 20 with conversation quality and the transport channel (channel #2) configured to transmit an audio stream from the headset 20 to the computer 10 with conversation quality (step S106).” (emphasis added).

As it is clear from the above disclosure, Applicant's specification does disclose establishing 2 independent channels between the wireless communication device (computer) and the external device (handset). However, there's no explicitly disclosure of "establishing *two independent ACL channels*" between the wireless communication device and the external device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sim et al (PGPUB: US 2002/0002035 A1)** in view of **Jung (Patent no.: US 7,167,721 B2)**.

With respect to **claim 15**, Sim teaches an electronic apparatus comprising:

a wireless communication device that executes wireless communication with an external device (Sim: fig. 2, and page 2, paragraph 32);

an input device (Sim: pages 2-3, paragraphs 33 & 38);

means for selecting one of a first communication mode and a second communication mode in accordance with an operation of the input device (Sim: pages 2-3, paragraphs 33 & 38, noted the SCO link and ACL link); and

controlling means (Sim: page 3, paragraphs 38 & 41, user's selection) for controlling the wireless communication between the wireless communication device and the external device, the controlling means including:

first means for, when the first communication mode is selected, establishing one asynchronous connectionless (ACL) channel between the

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wireless communication device and the external device, setting a first communication condition for one-way communication in the apparatus and the external device, the first communication condition indicating that a first compression-encoding scheme is used in the one-way communication, compression-encoding content data by the first compression-encoding scheme, and executing the one-way communication to transmit the content data compression-encoded by the first compression-encoding scheme, from the wireless communication device to the external device via the one ACL channel (Sim: fig. 3, page 3, paragraphs 35, 38 & 41-44, noted that upon user's selection of listening to a MP3 file, ACL connection is established for streaming the selected MP3 file from the baseband/master to the headset/slave, with the decoder 15 in decoding high speed data e.g.: music.); and

second means for, when the second communication mode is selected, establishing two independent channels between the wireless communication device and the external device, the two independent channels including a first channel for transmitting content data from the wireless communication device to the external device and a second channel for transmitting content data from the external device to the wireless communication device, setting a second communication condition for two-way communication in the apparatus and the external device, the second communication condition indicating that a second compression-encoding scheme is used in the two-way communication, compression-encoding content data by the second compression-encoding scheme, and executing the two-way communication to

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transmit the content data compression-encoded by the second compression-encoding scheme from the wireless communication device to the external device via the first channel and receive content data compression-encoded by the second compression-encoding scheme from the external device via the second channel (Sim: page 3, paragraphs 35 & 38, and page 4, paragraphs 48-50, noted that upon user's selection of receiving an incoming call, SCO connection is established in transmitting low speed voice data between the baseband/master and the headset/slave, with the decoder 12 in decoding low speed data), the second compression-encoding scheme requiring a lesser amount of arithmetic operations compared to the first compression-encoding scheme (Sim: page 3, paragraphs 35 & 38).

However, Sim only discloses establishing one ACL channel out of the two independent channels; he does not explicitly disclose establishing a second ACL channel between a wireless communication device and an external device.

In the same field of endeavor, Jung teaches establishing a communication between a wireless communication device and an external device via an ACL channel (Jung: col. 7, lines 7-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the SCO connection of Sim with the ACL connection as taught by Jung in order to communicate the audio conversation in between the devices (Jung: col. 7, lines 7-16).

With respect to **claim 17**, Sim teaches the electronic apparatus according to claim 15, wherein the controlling means includes means for controlling

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communication between the wireless communication device and the external device such that content data sampled with a first sampling frequency is transmitted from the wireless communication device to the external device when the first communication mode is selected, and content data sampled with a second sampling frequency, which is lower than the first sampling frequency, is transmitted and received between the wireless communication device and the external device when the second communication mode is selected (Sim: page 3, paragraphs 35 & 38, and page 4, paragraphs 48-50).

With respect to **claim 18**, Sim teaches the electronic apparatus according to claim 15, wherein the external device is a headset including a speaker and a microphone (Sim: page 3, paragraph 35).

In regard to **claim 19**, the limitations of these claims are substantially the same as those in claim 15. Therefore the same rationale for rejecting claim 15 is used to reject claim 19. By this rationale **claim 19** is rejected.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sim et al. (Publication no.: US 2002/0002035 A1)** in view of **Jung (Patent no.: US 7,167,721 B2)** and further in view of **Official Notice**.

With respect to **claim 16**, Sim teaches the electronic apparatus according to claim 15, further comprising:

a display device (Sim: page 3, paragraph 44); and

displaying means for displaying a first **selection** (Sim: page 3, paragraph 41) and a second **selection** (Sim: page 4, paragraphs 48) corresponding to the

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first communication mode and the second communication mode, respectively, on a display screen of the display device,

wherein the selecting means includes means for selecting the first communication mode when the first **selection** is selected by an operation of the input device, and selecting the second communication mode when the second **selection** is selected by an operation of the input device (Sim: page 3, paragraphs 35 & 38, and page 4, paragraphs 48-50).

Sim also teaches using buttons to initiate transmission of messages to the control unit in making selections of which type of data transmission to use (Sim: page 3, paragraphs 35, 38 and 44).

However, Sim does not explicitly teach a feature of displaying icons on a display screen and associating these icons with user's selections. Official Notice is taken that the feature of displaying icons and associating these icons with user's selections is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate such features in order to provide a friendly and visually indication of user's selection.

Response to Arguments

9. Applicant's arguments with respect to claims 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445